



TOWN OF CHAPEL HILL

Town Manager's Office

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June 4, 2015

David Charters, PE
Manager of Design and Engineering
Triangle Transit
P.O. Box 13787
Research Triangle Park, NC 27709

Re: Durham-Orange Light Rail Transit Project Section 4(f) Consultation

Dear Mr. Charters:

The Town of Chapel Hill (Town) is aware that the Federal Transit Administration (FTA), Triangle Transit, and their partners are proposing a 17-mile light rail line between the University of North Carolina (UNC) Hospitals in Chapel Hill and East Durham near Alston Avenue – the Durham-Orange Light Rail Transit (D-O LRT) Project. We understand that the proposed D-O LRT Project will be constructed with local, state, and federal funding, and that an Environmental Impact Statement (EIS) is currently being developed. As part of the D-O LRT Project, coordination has been ongoing between the Town and Triangle Transit staff. In response to a letter from Triangle Transit dated January 29, 2015, members of the D-O LRT Project Team and representatives from the Town met on March 16, 2015, to specifically discuss impacts of the proposed D-O LRT Project on Town property in light of Section 4(f) of the United States Department of Transportation Act, 49 U.S.C. § 303 and 23 U.S.C. § 138 (Section 4(f)).

As part of the environmental review process, we understand that the impacts of the proposed D-O LRT Project are evaluated pursuant to Section 4(f), which affords certain protections to publicly owned parks, recreational areas, wildlife and waterfowl refuges, or any publicly or privately owned historical site listed or eligible for listing on the National Register of Historic Places. Before approving a transit project that uses Section 4(f) property, the FTA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) property and that the project includes all possible planning to minimize harm. An exemption exists in cases where the impacts are *de minimis* – generally minor in nature. A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). A *de minimis* impact determination does not require analysis of feasible and prudent avoidance alternatives, but it does require agency coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement.

Town recreational properties in the vicinity of Little Creek would be affected by the proposed D-O LRT Project, Little Creek alternative (C1A), if that alternative is selected. Specific properties that would be affected include Meadowmont Park, Little Creek Trail, and the planned Little Creek Trail Extension. Based on the information Triangle Transit provided to the Town, anticipated uses of Town property and resources may be characterized as follows:

Meadowmont Park – Meadowmont Park, the largest single piece of property owned by the Town, is located at 621 Meadowmont Lane. It is a 65-acre facility featuring athletic fields, basketball courts, picnic shelters, a pond, and trails. The park's boundaries are Lancaster Drive (north), Helmsdale Drive (east), Meadowmont Lane (south), and Pinehurst Drive (west). Bicycle/pedestrian access is available from: Lancaster Drive (north), a paved greenway trail that is jointly owned by the Meadowmont Homeowners Association and the Town (south), paths from the soccer field area (west), and at a trailhead located near the Rashkis School. Parking lot access is provided at the Rashkis Elementary School, which is accessed from Meadowmont Lane. The park is surrounded by residential land uses to the north, east, and south, and a golf course to the west.

Potential impacts to Meadowmont Park are described below:

- Alternative C1A would cross a corner of Meadowmont Park above grade (elevated). This alternative would require the permanent acquisition of approximately 0.6 acres of undeveloped land for pier locations of the transitway. During construction and operation, access to Meadowmont Park would be maintained. If the proposed D-O LRT Project is implemented, new visual features would be introduced (e.g., elevated transitway and lighting). There would also be some potential increase in noise. The impact to the immediate area surrounding the area proposed for the line would be significant. However, due to the small area (.6 acres out of the larger 65 acre park) we found no substantial impairment of the activities, features, or attributes that qualify Meadowmont Park for protection under Section 4(f) would be anticipated.

Little Creek Trail – The existing Little Creek Trail is located in Meadowmont Park. Little Creek Trail is a natural surface trail used by the public predominately for running, walking, and jogging.

Potential impacts to the existing Little Creek Trail from Little Creek alternative (C1A) are described below:

- Alternative C1A would potentially impact the existing Little Creek Trail. The C1A Alternative would cross approximately 80 linear feet of the Little Creek Trail with an elevated transitway within Meadowmont Park. Although there may be a short-term interruption of trail connectivity during construction of the proposed D-O LRT Project, access to the Little Creek Trail would not be permanently interrupted. If the proposed D-O LRT Project is implemented, new visual features would be introduced (e.g., elevated transitway and lighting). There would also be some potential increase in noise. The impact to the immediate area surrounding the area proposed for the line would be significant. However, based on our initial evaluation of these potential impacts and the

relatively short section of trail that would be affected, we do not anticipate that the C1A alternative would adversely affect or otherwise restrict the public's use of the Little Creek Trail. (Further, this alternative would not preclude future development of the proposed Little Creek Trail Extension, which would also be crossed by the C1A alternative.)

Little Creek Trail Extension – Planning documents identify proposed extensions (i.e., Durham's Little Creek Connector Trail and Chapel Hill's Little Creek Trail Extension) to the existing Little Creek Trail. However, there are no current funding sources or timelines for the construction of these trail extensions. Coordination is ongoing between Triangle Transit and the Town regarding this trail, and the D-O LRT Project will be designed so as to not preclude the future development of the extensions. Therefore, no adverse impacts to the activities, features, or attributes of this trail are anticipated.

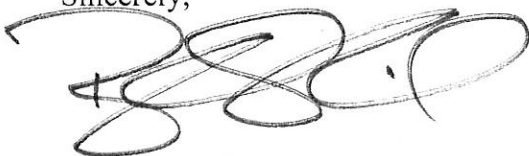
It is the Town's desire to have no negative impacts to our parks and open space areas. However, based on our preliminary review, and after taking into account proposed avoidance, minimization, mitigation, and enhancement measures, it appears that D-O LRT Project alternative C1A would not adversely affect these properties and trails to such an extent that they would be significantly impacted.

Based on our previous decisions related to Section 4(f) property we can support the concept that the impacts are *de minimis*. However we believe that other alternatives should be pursued instead of alternative C1A. We believe that an alternative that has no impacts to natural areas would be better than one that has minor impacts.

As explained by Triangle Transit, the Draft Section 4(f) Evaluation will be available for review and comment in September/October. After the Draft Evaluation is published and made available for review and comment, we understand the FTA will consider the comments of the public, as well as the Town (as the official(s) with jurisdiction over Meadowmont Park, Little Creek Trail, and the planned Little Creek Trail Extension) as part of the administration of Section 4(f). We look forward to continued coordination with the FTA prior to the FTA's final Section 4(f) determination, which we understand may include seeking formal written concurrence from the Town.

Please continue to coordinate with the Town of Chapel Hill regarding the proposed D-O LRT Project and any activities that may affect the Town, regardless of the alternative selected. We appreciate your efforts to avoid and minimize adverse impacts to the public lands maintained and/or owned by the Town of Chapel Hill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Stancil', with a stylized flourish at the end.

Roger Stancil
Manager, Town of Chapel Hill

cc: Keith Melton, FTA Region IV
Stan Mitchell, FTA Region IV
Carrie Walker, FTA Region IV
Tammy Bouchelle, Triangle Transit
Meghan Makoid, Triangle Transit
Gavin Poindexter, AECOM